IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 4046/1999

SATYA NARAIN SHARMA Vs. STATE OF RAJASTHAN & ORS.

Date: 18.12.2006.

HON'BLE MR. K.S. RATHORE, J.

Mr. Narendra Mishra for the petitioner.
Mr. Arun Choudhary for
Mr. Bharat Vyas, AAG for the respondents.

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The petitioner challenged the impugned order dated 15.05.96 before the Rajasthan Civil Services Appellate Tribunal, Rajasthan, Jaipur (for short 'the Tribunal') and the Tribunal vide its impugned order dated 04.06.99 placed reliance on the judgment rendered by this Court in S.B. Civil Writ Petition No. 443/95- Kamal Kishore Vyas & Ors. Vs. State of Rajasthan, dated 05.01.96, wherein this Court has observed as under:-

> "Rajasthan Subordinate Offices Ministerial Staff Rules, 1957, Rules 25, Rule 4(j), Rule 7(b) and Rajasthan Service Rules, 1951, Rule 34-A and Constitution of India, Art. 309 (proviso)- Date of regular grade increments- Temporary government servants appointed on ad hoc basis without following the procedure laid down are entitled to minimum of the pay scale- Annual

> grade increments are payable to persons appointed regularly to the post unless otherwise provided in the rules and regulations or notification issued by the State Government- Annual grade increments in the time scale on the basis of their respective dates of initial appointment in the service cannot be granted.
>
> Writ petition dismissed."

Thus, the Tribunal while placing reliance on the aforementioned judgment rendered by this Court, dismissed the appeal filed by the petitioner, against which the present writ petition has been preferred.

Learned counsel for the petitioner submits that the judgment dated 05.01.96 passed by the learned Single Judge has been assailed before the Division Bench by one Shri Chandra Shakher in ***D.B. Civil Special Appeal No. 377/96- Chandra Shakher Vs. State of Rajasthan and others***, and the Division Bench of this Court allowed the appeal vide its judgment dated 06.01.98, which has been challenged before the Hon'ble Supreme Court by way of filing Civil Appeal No. 3441/1998- State of Rajasthan & Anr. Vs. Chandra Shekhar & Anr., which has also been dismissed by the Hon'ble Supreme Court vide order dated 27.09.2001.

In the terms indicated by the Division Bench of this Court in the aforementioned case of ***Chandra***

Shakher (supra) and the Hon'ble Supreme Court, the present writ petition stands allowed and the impugned order dated 04.06.99 passed by the Rajasthan Civil Services Appellate Tribunal, Jaipur is hereby quashed and set-aside.

(K.S. RATHORE),J.

/KKC/